

7200087

THE UNITED SHAMES OF AND THE

TO ALL TO WHOM THESE PRESENTS SHALL COME;

Joseph Marris Company, Inc.

Talkereas, there has been presented to the

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF SEVENTERN YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT LIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT TAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

MARIGOLD

'Gypsy Sunshine'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this eighth day of August in the year of our Lord one thousand nine hundred and seventy-five

Earl & Buty

Secretary of Agriculture

Allosh.

Commissioner
Plant Variety Protestion Office Grain Division Agricultural Marketing Scroice

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UNITED STATES DEPARTMENT OF AGRICULTURE CONSUMER AND MARKETING SERVICE GRAIN DIVISION HYATTSVILLE, MARYLAND 20782

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.	2. KIND NAME		FOR OFFIC	TAL USE ONLY
1. VARIETY NAME OR TEMPORARY DESIGNATION	VIAD NAME	2- KIND NAME		was writed
TIMESO GYPSY SUNSHINE	Marigold	<u></u>	PVPO NUMBER 120	
3. GENUS AND SPECIES NAME	4. FAMILY NAME (Bot	tenical)	FILING DATE	TIME A.M.
Tagetos Patula	Compositae	INATION	W/16/72	CHARGES
Tagetes Patula	5. DATE OF DETERM	INATION	751 AG	2a.ves
	April 1971	d No.	\$750.00	8. TELEPHONE AREA
6. NAME OF APPLICANT(S)	7. ADDRESS (Street an		ony, state, and ZIP	CODE AND NUMBER
Joseph Harris Co., Inc.	Moreton	Farm		
		er, New York l	4624	(716) 247-3963
			0	
	1000	10	PROBATION	11, DATE OF INCOR-
9. IF THE NAMED APPLICANT IS NOT A PE ORGANIZATION: (Composation, partnership,	association, etc.)	I W STATE OF INCO	NE ORA LIVA	PORATION
Corporation		New	York	1927
-	name company	_		
12. Name and mailing address of applic	Cant representative(s	,, it any, to serve	in this application	arr Pabers.
John M. Barna	·.			
Joseph Harris Co	mpany, Inc.			
Moreton Farm	onle 14004			
Rochester, New Y	OLK 14624	. •		
to the	and the matter	· ·		
13. CHECK BOX BELOW FOR EACH ATTAC	HMENT SUBMITTED:	T;		
≥ 12B. Exhibit B, Botanical Des 12C. Exhibit C, Objective Description 12D. Exhibit D, Data Indicative 12D. Exhibit D, Data Indicative 12E. Exhibit E, Statement of the Applicant is employed.	cription of the Varier e of Novelty a 4 x	y 5 color trans ket of 71MA39		:-up) and a 35 mm
Applicant is emplo	yer of Breeder	· i '	11 La Jane - 1	* ******
The applicant declares that a viable	sample of basic seed	or this variety wi	ur be deposited upor h ench secularia	u request perore issu-
ance of a certificate and will be repl	enisned periodically	m accordance wit	n such regulations a	as may be applicable.
(See Section 52, P.L. 91-577).		r be sold be-	y pama only as1	ass of certified seed?
14A. Does the applicant(s) specify the (See Section 83(a), P.L. 91-577)	(If "Yes," answer 1	4B and 14C below.	YES NO	<u></u>
14B. Does the applicant(s) specify the	at this variety be	' 14C. If "Yes," to	o 14B, how many ger	nerations of production
limited as to number of generation	ons?	beyond bree	der seed?	•
	YES NO	1		and leion
Applicant is informed that false repre	esentation herein can	jeopardize protec	tion and result in pe	enantes.
The undersigned applicant(s) of this uniform, and stable as required in Se Plant Variety Protection Act (P.L. 9	ection 41 and is entitl 1-577).	led to protection u	y believes that the name the provisions	of Section 42 of the
(DATE)		\ .	U	_
$(x,y,y)\mapsto (x,\phi)(x,y)^{-1}(y,y)$			· -,•	1
(DATE)			SIGNATURE OF APPLI	CANT)

INSTRUCTIONS

FECELVE AU 1872 AU 187

GENERAL: Send an original copy of the application, exhibits and \$50.00 fee to U.S. Dept. of Agriculture, Consumer and Marketing Service, Grain Division, Hyattsville, Maryland 20782. Retain one copy for your files. All items on the face of the form are self-explanatory unles noted below.

ITEM

- 5 Insert the date the applicant determined that he had a new variety.
- 12a First, give the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method. Second, give the details of subsequent stages of selection and multiplication. Third, indicate the type and frequency of variants during reproduction and multiplication and state how these variants may be identified. Fourth, provide evidence on stability.
- 12b First, give any special characteristics of the seed and of the plant as it passes through the seedling stage, flowering stage and the fruiting stage. Second, describe the mature plant and compare it with a similar commercial variety grown under the same conditions, and indicate the differences.
- 12c A supplemental form will be furnished by the PVPO to describe in detail a variety for each kind of seed.
- 12d Provide complete data indicative of novelty. Seed and plant specimens may be submitted and seeds submitted may be sterile. Where possible, include photographs of plant comparisons, chemical tests, etc.
- 12e Indicate whether applicant is the actual breeder, the employer of the breeder, the owner through purchase or inheritance, etc.

Attachment 12a. EXHIST A

Breeding Background for Marigold 71MA39 Gypsy Sunshine RIS

GYPSY SUNSHINE

The breeding history of marigold 71MA39 began in 1966 when a single plant selection was made out of the marigold variety called Sparky. This seed lot of Sparky was from originator's seed (Decker).

In 1967 seven mahogany and yellow plants with semi-tufted centers were selected and isolated in our greenhouses.

In 1968 a light orange plant with a tufted center was selected. Out of seed from this light orange plant, we selected an extra dwarf golden yellow plant the following year.

In 1970 a yellow plant having a golden yellow tuft was selected. This particular plant also indicated the capacity for good seed set.

Gypsy SUNSHINE

An early flat trial in the spring of 1971 showed 71MA39 to be uniform for plant habit and color. For marigolds of comparable height classification, Gypsy SUNSHINE
71MA39 appeared to be somewhat larger in flower size.

GYPSY SUNSHINE

A plant row of 71MA39 was isolated in our breeding grounds during the summer of 1971 and seed was collected from this row in the fall for stock seed increase. A sample of this seed was grown out early in the winter, to check-again-on-trueness to type. This sample proved to be true to type with no rogues found.

72087

EXHIBIT B R/S

MARIGOLD GYPSY SUNSHINE

Marigold Gypsy Sunshine, a Joseph Harris Company introduction, is a variety with golden yellow flowers having tufted centers. Coming into flower very early in pak trials, Gypsy Sunshine continues to produce an abundance of flower in the garden throughout the summer and autumn until frost ends the marigold season. Gypsy Sunshine's abundant bloom, fully comparable to the triploid hybrids, is attributable, in part, to the multi-branched plant of this variety. The flowers, which are about 50% larger than the petite types, tend to be held above the foliage and are produced on a compact plant growing 12 to 14 inches in height.

Early pak bloom and profuse flowering in the garden make Gypsy Sunshine a distinct and welcome addition to the flower garden.

- Stem Note In 3 or 4 centimeter span from the soil line
 there are 7 to 9 main branches. Each of these
 main branches fork repeatedly, So that it is very
 difficult to determine which branch is primary and
 which is secondary.
- Variety Name Note The licensed grower for the marigold

 Gypsy Sunshine is the Waller-Seed Co.

 of Guadalupe, California 93434.
- Flower Color Note Horticultural Colour Chart II Reference.

 Color Sulphur 1 (corrected sheet 1).

 The Ray Petals also have a slight touch of light orange color at the base and ocassionally at the apice.

UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE GRAIN DIVISION HYATTSVILLE, MARYLAND 20782 OBJECTIVE DESCRIPTION OF YARIETY

EXHIBIT C (Marigold)

INSTRUCTIONS - See Reverse. MARIGOLD (TAGETE)	•
NAME OF APPLICANT(S)	FOR OFFICIAL USE ONLY
Joseph Harris Co., Inc.	PVPO NUMBER
ADDRESS (Street and No., or R.F.D. No.; City, State, and ZIP Code)	72087
Moreton Farm	VARIETY NAME OR TEMPORARY
Rochester, New York 14624	DESIGN ATION
	71MA39- Gypsy Sunshine
Place the appropriate number that describes the varietal character of this variety in the Place a zero in first box (e.g. [0]8]9 or [0]8]) when number is either 99 or less of	
1. SPECIES TYPE:	
1 = ERECTA (African) 2 = PATULA (French) 3 = TENUIFOLI	A (Signata) 4 = LUCIDA (Sweet)
2 5 = OTHER (Specify)	
2. PLOIDY:	
3	3 = TETRAPLOID (n = 48.).
3. PLANT TYPE/HABIT:	
3 1 = EXTRA DWARF (Miniature, petite) < 20 CM. 2 = DWARF 25- 35 CM. 3 =	SEMIDWARF 40-55 CM. 4 = TALL > 60 CM.
2 1 = ERECT 2 = SEMIERECT 3 = DECUMBENT	·
1 = COMPACT 2 = LAX	
Flowering: 1 = LONG SEASON 2 = SHORT SEASON	
4. LEAF (Middle of first flowering branch): See Silhoutte Exhibit	
Type: 1 = SIMPLE 2 = COMPOUND	
Leaflet: 1 = OVATE 2 = LANCEOLATE 3 = ELLIPTIC 4 = FIL	_IFORM
3 Margin: 1 = ENTIRE 2 = CRENATE 3 = SERRATE 4 = DENTATE 5	= INCISED
7 2 CM, LONG Apical 8 Leaflet 1 Anthocyanin pigo	ment in petioles: 1 = ABSENT 2 = PRESENT
Glands: 1 = PUNCTATE 2 = LARGE DOTS Glands: 1 = B/	ASAL 2 = APICAL
Qdor: 1 = NONE 2 = MILD FRAGRANCE 3 = STRONG FRAGRANCE 4 = MIL	D "MARIGOLD" 5 = STRONG "MARIGOLD"
5. STEM:	
2 1 = STRAIGHT 2 = ZIGZAG 1 = BRITTLE	2 = FLEXIBLE
	BASE OF STEM TO INVOLUCRE IAL FLOWER
1.317.1	AXIL OF TOP BRANCH TO INVOLUCRE AL FLOWER
NO. OF INTERNODES BELOW FIRST BRANCH NO. OF FIR	ST ORDER BRANCHES (from main stem) See Note
6. FLOWER:	
3 T_{ype} : 1 = CARNATION 2 = CHRYSANTHEMUM 3 = OTHER Cres	ted Double
2 1 = SINGLES 2 = DOUBLES Semi-	
	outte Exhibit 5
2 Odor: 1 = NONE 2 = MILD FRAGRANCE 3 = STRONG FRAGRANCE 4 = MIL	D''MARIGOLD'' 5 = STRONG ''MARIGOLD''

Compared to marigold Crackerjack

FORM GR-470-9 (REVERSE)	#	72087
6. FLOWER: (Continued)		
[] Ray: I = FLATTENED 2 = CURLED/TWISTED (Fantestic)	35 to 40 Ray Petals	per a flower.
2 Apices: 1 = ENTIRE 2 = LOBED 3 = NOTCHED		•
SURFACE - Dorsal: SURFACE - Ventral: 1 = GLABROUS 2 = PUBESCENT	3 = PUBESCENT ON APICE ONLY	
LUSTER - Dotsal: 2 LUSTER - Ventral: 2 = DULL		
PATTERN - Dorsal: 1 = SOLID 2 = SPOTTED PATTERN - Ventral: 4 = PICOTEE 5 = OTHER (Specify)		
Color:l.=soLid 2 = BICOLOR (Specify colors): Primary See note State color stand	Secondary	
SIZE (Use outer row of first matured flower): 2 0 MM. LONG 1 2	MM. WIDE	
Disc: $1 = ABSENT$ $2 = PRESENT, COVERED$ $3 = P$	RESENT, UNCOVERED	
2 Type: 1 = NOT QUILLED 2 = QUILLED		
7. DISEASE RESISTANCE (0 = Not Tested; 1 = Susceptible; 2 = Resistant)		
0 ROOT-ROT (Phytophthora)	IRUS YELLOWS	
O GREY MOLD (Botrytis)	USARIUM WILT	
	ITCHES BROOM	
8. INDICATE A VARIETY THAT MOST NEARLY RESEMBLE THAT SUBMITTE	D	

INSTRUCTIONS

CHARACTER

Flower size

Flower shape

Flower color

REFERENCES: The following publications may be used as a reference aid for completing this form:

VARIETY

Golden Boy

Golden Boy

Petite Orange

CHARACTER

Plant shape

Plant size

Foliage

- (a) Bailey, L. H., 1949, Manual of Cultivated Plants, MacMillan.
- (b) Royal Horticulture Society, 1965, Dictionary of Gardening, Oxford.
- (c) Wyman, Donald, 1971, Wyman's Gardening Encyclopedia, MacMillan.

COLOR: Nickerson's or any recognized color fan may be used to determine the colors.

VARIETY

Red Brocade

Gypsy Dancer

Golden Jubilee

Hrri Ses

MORETON FARM..... ROCHESTER, N.Y., 14624

TEL. 594-9411..... or 247-3963..... Area Code 716.....

EXHIBIT D R/S. PV # 72087

June 24, 1974

Mr. Robert J. Snyder Plant Variety Protection Office U.S.D.A. 6525 Belcrest Road Hyattsville, Maryland 20782

Dear Mr. Snyder:

Honeymoon, a recent Harris introduction, is the variety of marigold most similar to Gypsy Sunshine (application No. 72084).

Gypsy Sunshine differs from Honeymoon in the following ways:

- 1. Gypsy Sunshine flowers about a week earlier than Honeymoon.
- 2. The first flower of Gypsy Sunshine is smaller with less petals than that of Honeymoon, but from the 2nd flower - the flower size becomes quite comparable.
- 3. Gypsy Sunshine's foliage is finer and with more branching than that of Honeymoon.
- 4. Gypsy Sunshine is about 25% shorter.
- 5. Gypsy Sunshine has more flower production.
- 6. Gypsy Sunshine's crest is not as pronounced as is the crest on Honeymoon.

Sincerely yours,

JOSEPH HARRIS COMPANY, INCORPORATED

John Barna

Flower Research &Trials

JB/mgm

7

JOSEPH HARRIS COMPANY, INC.

Hris Sees

TEL. 594-9411..... or 247-3963.... Area Code 716.....

April 21, 1975

Mr. Robert J. Snyder
Plant Variety Protection Office
U.S.D.A. 6525 Belcrest Road
Hyattsville, Maryland 20782

EXHIBIT D

Dear Mr. Snyder:

In regard to your request for a description of the foliage characteristics for marigold variety "Honey Moon" - which is a comparison variety for marigold application No. 72087 "Gypsy Sunshine", we have enclosed the received exhibit C form along with a pressed leaf of both Honey Moon and Gypsy Sunshine taken from plants two months old from seed sowing. The information listed below is also taken from plants in a pak trial. We do not have mature plants of either Honey Moon or Gypsy Sunshine from which to supply information for form "C".

	<u>Honey Moon</u>	Gypsy Sunshine
Plant height:	8-10 cm.	6-8 cm.
Leaf length:	6-7 cm.	4-5 cm.
Leaf width:	$3\frac{1}{2} - 4 cm$.	3 cm.
Leaflets	9 to 11	⁷ 10 ⁹

Sincerely yours,

JOSEPH HARRIS COMPANY, INCORPORATED

John M. Barna

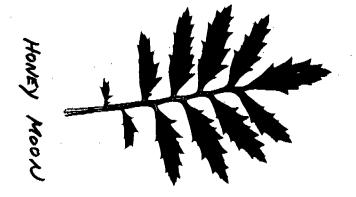
Director of Flower Research

JMB/mgm

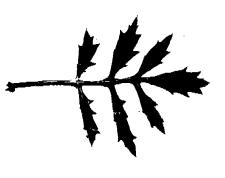
Encl.

EXHBITD

SOWN Feb. 19, 1975 TAKEN APR. 15, 1975



Gypsy SUNSHINE



Harii Sees

TEL. 594-9411...... or 247-3963..... Area Code 716..... May 31, 1974

Mr. Robert J. Snyder Plant Variety Protection Office U.S.D.A. 6525 Belcrest Road Hyattsville, Maryland 20782

PV # 72087

Dear Mr. Snyder:

In reply to your letter of May 14, 1974 and the questions raised regarding Marigold application No. 72087.

(SEE REVISED EXHIDIT B) R. J.S.

Under Exhibit B: 71MA39 "Gypsy Sunshine" is a French type marigold having a compact multi-branched plant 12 to 14 inches high. Foliage is bluish green and rather finely cut, flowers golden yellow and tufted; flower size 50% larger than petite types.

(SEE REVISED EXHIBIT D!) R/S

Under Exhibit D: Gypsy Sunshine is a variety unique for the abundance of flowers; comparable to triploid hybrids. Comparable to Orange Nugget for early flowering; flower size to King Tut, height 1-2 inches taller than petite series; plant size and shape to Golden Boy; foliage like Petite Orange.

EXHIBITE RYS

The Joseph Harris Company is the sole owner of this variety and Gypsy Sunshine is to replace the temporary designation 71MA39.

Sincerely,

JOSEPH HARRIS COMPANY, INC.

n M. Barna

John M. Barna

Director Flower Research

JMB:jm Enc:

ASSIGNMENT

WHEREAS, Joseph Harris Company, Inc. ("Harris"), a corporation duly organized and existing under the laws of the State of Delaware is the owner of United States Plant Variety Protection Certificates listed in Exhibit A hereto; and

WHEREAS, in accordance with a Technology Transfer Agreement (the "Transfer Agreement") among Celanese Corporation ("Celanese"), Moran Seeds, Inc., Harris, CelPril Industries, Inc., Harris Moran International B.V. ("Sellers"), Virginia Chemicals, Inc., Les Produits Organiques du Santerre-Orsan S.A. ("Orsan"), HMS, CP Acquisition Inc., and Exploitatiemaatschappij Wolwevershaven B.V., dated January 10, 1985, and a Purchase Agreement dated December 7, 1985, as amended, among Celanese, Sellers and Orsan, has purchased from Harris said United States Plant Variety Protection Certificates.

NOW, THEREFORE, in accordance with said Transfer Agreement and Purchase Agreement, Harris assigns to Orsan all of its rights, title and interest in and to said United States Plant Variety Protection Certificates.

Harris hereby authorizes Orsan to apply for and obtain the recordation of this Assignment. Harris agrees that it shall, without further consideration, promptly and duly cause to be performed such lawful acts and execution of any other documents as Orsan may reasonably request in order for Orsan to obtain the full benefits of this Assignment and to permit Orsan to be duly recorded in each office, bureau and tribunal in the appropriate jurisdiction as the registered owner or proprietor of each of the rights hereby assigned. Such instruments and documents shall include, without limitation, such applications, affidavits and other documents for filing in such jurisdictions as Orsan may from time to time reasonably request.

By these presents HMS does hereby accept this Assignment and authorize the recording thereof with the appropriate authorities aforesaid.

IN WITNESS WHEREOF, the parties have caused this Assignment to be executed by its proper officers thereunto duly authorized this 10x1 day of January, 1985.

JOSEPH HARRIS COMPANY, INC.,

Assignor

David A. Jenkins Vice President

LES PRODUITS ORGANIQUES DU SANTERRE-ORSAN S.A.

Assignee/

Title:

Actorney in

STATE OF New York

Before me, a Notary Public, in and for said County, personally appeared David County who acknowledged that he is who builded of Joseph Harris Company, Inc., the corporation which executed the foregoing instrument and who acknowledged he signed said instrument on behalf of said corporation by authority of its Board of Directors; and that said instrument is the free corporate act and deed of said Joseph Harris Company, Inc.

of January, 1985 Www York this 10th day

NOTARY PUBLIC

(Notary Public)

My Commission Expires:

ALEX C. LENGYEL
Notary Public, State of New York
No. 31-4805123
Qualified in New York County
Commission Expires March 30, 198 6

STATE OF New York

Before me, a Notary Public, in and for said County, personally appeared <u>lating</u> behoug who acknowledged that he is <u>Charge lating</u> of Les Produits Organiques du Santerre-Orsan S.A. the corporation which executed the foregoing instrument and who acknowledged he signed said instrument on behalf of said corporation by authority of its Board of Directors; and that said instrument is the free corporate act and deed of said Les Produits Organiques du Santerre-Orsan S.A.

of January, 1985.

NOTARY PUBLIC

(Notary Public)

My Commission Expires:

ALEX C. LENGYEL
Notary Public, State of New York
No. 31-4805123
Qualified in New York County
Commission Expires March 30, 198 6

Exhibit A

United States Plant Variety Protection Certificates

Cert. No.	Date <u>Issued</u>	Kind	<u>Variety Name</u>	Owner
7200087	18/8/75	- Managed d.	Gypsy Sunshin	Joseph Harris Company, Inc.
7605018	9/28/77	Marigold	Cabaret Orange	Joseph Harris Company, Inc.
7800033	12/21/78	Radish	Fancy Red	Joseph Harris Company, Inc.
7800086	1/25/79	Lettuce	Deep Red	Joseph Harris Company, Inc.
8200045	9/23/82	Turnip	Royal Gem	Joseph Harris Company, Inc.
8200068	12/30/82	Egg Plant	Little Fingers	Joseph Harris Company, Inc.
8300024	12/30/83	Radish	Red King	Joseph Harris Company, Inc.